IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5091 of 2004

with

SPECIAL CIVIL APPLICATION No 5092 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ISHAK AMAD

Versus

SARPANCH

Appearance:

1. Special Civil Application No. 5091 of 2004

MR YS MANKAD for Petitioner No. 1

MR SURESH M SHAH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 04/03/2005

ORAL JUDGEMENT

1. The petitioner herein has challenged the order dated 20/03/1997 passed by the learned Assistant Judge, Kachchh at Bhuj, in Civil Misc. Appeals No.116 of 1994 and 115 of 1994, whereby the said appeals were allowed by

quashing and setting aside the orders below exh.6 passed by the trial Court.

2. Initially both the petitions were filed as Civil Revision Applications. By order dated 19/04/2004 this Court had permitted learned advocate for the petitioner in both the petitions to convert the matters into Special Civil Applications under Article 227 of the Constitution of India in view of the amendment in the Civil Procedure Code.

3. While admitting the Revision Applications, this Court had granted status quo as regards the cabin in question. Since status quo is operating, it would be appropriate to direct the parties to maintain status quo till the suit pending before the trial Court is disposed of while expediting its hearing.

4. I have heard learned counsel for the parties and have perused the relevant documents on record. Without entering into the merits of the matter, the trial Court is directed to expedite the hearing of the suits being Regular Civil Suits No.70 of 1993 and 67 of 1993 pending before the Court of the learned Civil Judge (J.D.), Mandvi - Kachchh and to dispose it of within a period of six months from the date of receipt of writ of this order. Parties are directed to maintain status quo granted by this Court till the said suits are finally disposed of.

5. With the above observations and directions, the petitions stands disposed of. Office is directed to send writ of this order forthwith.

[K. S. JHAVERI, J.]
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